

REMARKS

Reconsideration and reexamination of this application are respectfully requested. Claims 1-6 which include independent claims 1 and 6 are pending in this application.

Allowed Subject Matter

In the Office Action mailed on June 21, 2002, the Examiner indicated that independent claim 6 has been allowed. The Applicant appreciates the allowance of claim 6.

The Specification

The Examiner noted that the trademarks Gortex® and Lycra® has been used in the specification. The Applicant has amended the specification to capitalize the trademarks and accompany them with generic terminology as suggested by the Examiner.

Claim Rejections – 35 U.S.C. § 102

The Examiner rejected claims 1-3 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,411,783 issued to Mahn (“Mahn”). The Applicant respectfully traverses for the following reasons.

1. The Claimed Invention

The claimed invention, as recited in independent claim 1, is directed to a cover sheet for impressing a pattern on a thermoplastic surface of an emblem. The cover sheet includes a base layer and a heat application release coating on the base layer. The release coating exhibits a heat and pressure resistant debossed or embossed impression complementing the pattern.

The cover sheet, when placed with its release coating against and in registry with the thermoplastic surface of the emblem and heat and pressure are applied on the cover sheet and toward the emblem, forms the pattern on the thermoplastic surface of the emblem.

2. Mahn

The Examiner cited Mahn as disclosing a heat activated applique comprising a base and a thermoplastic elastomer layer. The Examiner posited the following:

- A. The elastomer layer, which is embossed, is equivalent to the claimed release coating as it comprises polyurethane or a vinyl compound; and
- B. The substrate layer is equivalent to the claimed base layer.

The Applicant notes that the base of the applique of Mahn is a thermoplastic adhesive. (See the abstract of Mahn). Heat activates the adhesive to bond the elastomer layer to a cloth substrate such as a sports jersey. (See the abstract and col. 2, lines 26-32 of Mahn.) The elastomer layer can be debossed to form a pattern either prior to or during application of the applique to a cloth substrate. (See the abstract of Mahn.) Mahn discloses that a heating iron having an emboss surface may be used to provide surface configuration to the applique, i.e., the heating iron debosses the elastomer layer to form a pattern on the elastomer layer. (See col. 4, lines 26-36 of Mahn.)

3. The Claimed Invention Compared with Mahn

The claimed cover sheet is generally different than the heat activated applique of Mahn in that the claimed cover sheet is configured to impress a pattern on a thermoplastic surface of an emblem, whereas the applique of Mahn itself has a pattern by being embossed. As such, instead of using a heating iron or the like as taught by Mahn to emboss an applique (i.e., emblem) such as the applique of Mahn in order to form a pattern on the applique, the claimed cover sheet itself can be used to form the pattern on the applique.

The claimed cover sheet solves the problems associated with using heating irons and the like for impressing patterns on appliques and emblems. Such problems are described on col. 1, lines 44-56 of the Applicant's specification. Accordingly, the claimed cover sheet provides a use not contemplated by Mahn. Such use being impressing a pattern on a thermoplastic surface of an emblem or an applique.

The Examiner posited that the limitations of the claimed invention are met by Mahn. Specifically, the Examiner posited that 1) the embossed elastomer layer of Mahn is equivalent to the claimed heat application release coating; and 2) the substrate layer of Mahn is equivalent to the claimed base layer.

I. The Applicant respectfully traverses the equivalence between the embossed elastomer layer of Mahn and the claimed release coating.

The claimed release coating exhibits "a heat resistant and pressure resistant" embossed impression complementing a pattern to be formed on a thermoplastic surface of an emblem. As claimed, the embossed impression is heat and pressure resistant because it is placed against the thermoplastic surface of the emblem while heat and pressure are being applied on the cover sheet toward the emblem in order to form the pattern on the thermoplastic surface of the emblem.

The thermoplastic elastomer layer of Mahn is not described as exhibiting such a heat resistant and pressure resistant embossed impression. A reason for the lack of such a feature may be a result of the embossed surface of the elastomer layer of Mahn not being meant to be heated to the cloth substrate. Mahn teaches that the surface of the elastomer layer opposite to the embossed surface is heated to the cloth surface via a heat activated adhesive layer. As such, there is no reason for the embossed surface of the elastomer layer of Mahn to exhibit heat and pressure resistance as claimed.

II. The Applicant respectfully traverses the equivalence between the substrate layer of Mahn and the claimed base layer.

The claimed base layer is a support means for the claimed heat application release coating. (See col. 4, lines 53-56 of the Applicant's specification and claim 1.) The claimed release coating is used to form a pattern on the thermoplastic surface of an emblem. The emblem is simultaneously or subsequently heat sealed onto a cloth substrate such as a sports jersey or the like. (See col. 3, lines 43-54 of the Applicant's specification.)

The cloth substrate of Mahn is a sports jersey or the like. (See abstract of Mahn.) As such, unlike the claimed base layer, the cloth substrate of Mahn is not a support means for a heat application release coating exhibiting a heat resistant and pressure resistant embossed impression. In contrast, the cloth substrate, i.e., sports jersey, of Mahn is bonded via a thermoplastic adhesive to the elastomer layer of an applique or an emblem.

In view of the foregoing amendments and remarks, the Applicant believes that independent claim 1 is patentable over Mahn. Claims 2-3 depend from Mahn and include the limitations therein. Thus, the Applicant requests reconsideration and withdrawal of the rejection to the claims under 35 U.S.C. § 102(b).

Claim Rejections – 35 U.S.C. § 103

The Examiner rejected claims 4-5 under 35 U.S.C. § 103(a) as being unpatentable over Mahn. Claims 4-5 depend from independent claim 1 and include the limitations therein. As independent claim 1 is believed to be in a condition for allowance, claims 4-5 are also in a condition for allowance. Thus, the Applicant requests reconsideration and withdrawal of the rejection to the claims under 35 U.S.C. § 103(a).

CONCLUSION

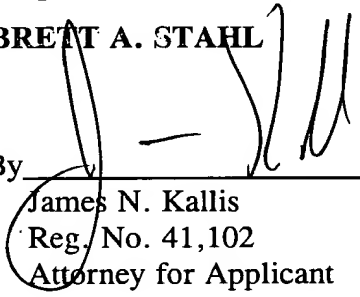
In summary, claims 1-6 meet the substantive requirements for patentability. The case is in appropriate condition for allowance. Accordingly, such action is respectfully requested.

If a telephone or video conference would expedite allowance or resolve any further questions, such a conference is invited at the convenience of the Examiner.

Respectfully submitted,

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Attachment



VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE SPECIFICATION:

Please replace the paragraph beginning at column 6, line 6 with the following paragraph.

B Suitable substrates 22 on which the emblem 10 can be applied include materials such as twill, cotton, wools, polyester and synthetic materials, such as GORTEX® AND LYCRA® synthetic materials [Gortex and Lycra].

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